

THE HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.5288 of 2015

ORDER:

The first petitioner claims to be owner of D.No.8/1115, Main Road, Near Bangalore Bakery, Kalyandurg, Anantapur District, and had obtained permission for reconstruction of the existing building, vide B.A.No.103/2002-03 dated 03.02.2002, from the Panchayat Secretary, Kalyandurg. The first petitioner alleges that he has acquired the subject property from his father, by virtue of the registered gift settlement deed dated 14.12.2006, who, in turn, acquired the said property through registered sale deed dated 09.11.1978. The second petitioner also claims to be the owner of D.No.8/1114, Main Road, Near Bangalore Bakery, Kalyandurg, Anantapur, as he acquired the said property through registered sale deed dated 09.11.1978. When the Gram Panchayat authorities tried to demolish the subject building, the petitioners filed W.P.No.29115 of 2008; and, this Court by order, in WPMP.No.38048 of 2008 in W.P.No.29115 of 2008, dated 31.12.2008, stayed the demolition. The petitioners filed this Writ Petition alleging that, though an order of stay is subsisting, the respondent – authorities tried to demolish the subject building without prior notice.

Heard the learned Counsel for the petitioners and Sri Md.Saleem, learned Standing Counsel for the second respondent – Municipality.

Sri Md.Saleem, learned Standing Counsel for the second respondent – Municipality, submits that the respondents are trying to demolish the structures raised on the road, and had not interfered with the construction raised in the land belonging to the petitioners. He further submits that the respondents would follow due process of law and, thereafter, take action, and the respondents would also consider the objections, if any, filed by the petitioners.

The Writ Petition is, accordingly, disposed of directing the respondents to follow due process of law before taking any action. Miscellaneous petitions pending, if any, shall also stand disposed of. However, in the circumstances, without costs.

JUSTICE RAJA ELANGO

31st March, 2015

skmr